

uous grade? Why not prevent the running of more than one gin stand with one engine? Why not interfere in a thousand ways with the private affairs of persons and corporations?

Mr. President, I am a friend to labor, and for this reason oppose this bill. The act is wrong in principle. The friend who will thus violate a fundamental principle of government in favor of labor will, as the tide turns, violate a fundamental principle of government to the injury of labor. It is a wrongful exercise of legislative power to thus cripple a great industry without clear proof of the extraordinary hazard of the practice of using two locomotive engines to one train. The practice has grown out of necessity and economy. Progress in moving the world's commerce is not to be retarded. The civilized world demands cheap rates and rapid transit. The necessities and luxuries of life must be carried across the continent with almost lightning speed. Restless men will brook no delay. Heavy trains must climb hill and mountain as rapidly as over plain and valley. These conditions must be regulated not by law, but by the demands of the age. Those employes who are not willing for any reason to serve the great transportation companies must stand aside and let those serve who will. The Legislature has no right to interfere in this matter. It is a private question, a business proposition, a question to be settled alone by employer and employe. The railroad employes of Texas are, as a class, intelligent and honest, and they need no legislative interference in their private affairs. It is not believed the great body of these employes demand the passage of this bill, but seem to be reconciled with the decision of the Railroad Commission.

DIBRELL, for minority.

COMMITTEE REPORT.

By unanimous consent the following committee report was made to the Senate:

Committee Room,
Austin, Texas, February 13, 1901.
Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Substitute Senate bill No. 125, being a bill to be entitled "An Act to provide for and regulate the granting of license to practice as attorney and counselor at law in all the courts of the State of

Texas, and to repeal all laws and parts of laws in conflict therewith,"

And find the same correctly engrossed.
BEATY, Chairman.

ADJOURNMENT.

On motion of Senator James, the Senate, at 12:45 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow, Senate bills Nos. 77 and 82, respectively, pending.

TWENTY-FIFTH DAY.

Senate Chamber,
Austin, Tex., Friday, Feb. 15, 1901.

Senate met pursuant to adjournment. Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Present—27.

| | |
|------------------|------------|
| Beaty. | Neal. |
| Davidson of | Patterson. |
| DeWitt. | Paulus. |
| Davidson of | Potter. |
| Galveston. | Savage. |
| Dibrell. | Sebastian. |
| Goss. | Stafford. |
| Grinnap. | Staples. |
| Hanger. | Turner. |
| Harris of Bexar. | Turney. |
| Harris of Hunt. | Wayland. |
| James. | Wheeler. |
| Lipscomb. | Wilson. |
| Lloyd. | Yett. |
| McGee. | |

Absent—Excused.

| | |
|----------|--------|
| Johnson. | Odell. |
| Miller. | Swann. |

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday,

On motion of Senator Wayland, the same was dispensed with.

PETITIONS AND MEMORIALS.

The Chair laid before the Senate a memorial from citizens of Houston, praying for an amendment to the local option law with reference to shipments of liquor by express.

Read, and referred to Committee on State Affairs.

Senator Harris of Hunt presented a petition from citizens of Campbell, Hunt county, asking for location of girls' industrial school and offering donation.

Read, and referred to Committee on Educational Affairs.

Senator Lipscomb presented the following resolution passed by the Houston school trustees:

The following resolutions, concerning the changes in the uniform text-book law, were unanimously adopted by the board of trustees of the city of Houston at their meeting Tuesday night, February 5, 1901:

Resolved by the Houston board of trustees, That if the cities of over ten thousand inhabitants, of which cities Houston is one, be forced by law to use the books adopted in the uniform text-book law, a hardship would be put upon the system of Houston for the following reasons:

1. The bill pending before the Educational Committee of the Senate makes it imperative that the books now in use in our schools shall be thrown out, and the uniform text-books used instead at once. This would cause great expense to the parents of the children and place in the hands of the children and teachers an inferior set of books to those now in use in the city schools of Houston.

2. The children of Houston are now supplied with books, and these books will be handed down by promoted pupils to younger brothers and sisters, and as the homes are stocked with these books, the expense the first year would be more than equal to the cost of the books now in use for two or three years. The pupils now in the third and fifth grade are supplied with geographies, arithmetics, spellers and grammars for two years from next September, the term of the State adopting. Why should these books be thrown aside when it will cause great expense to the parents? If the law is invoked a change must be made immediately.

3. Over \$1400 worth of readers, the best in the market, have been bought this year and furnished free to the children. Why should the children of Houston or the board of trustees now be forced to buy an inferior reader to those already purchased? In purchasing this large supply of readers great care was taken to get the best in the market.

4. It is the intention of the board to furnish to the children of this city other free books, and this law, if put into effect, would hamper the board in a way that would impend the progress of the schools. We feel that we should have the privilege of securing the best text-books in the market for the children, and should not be forced to take a set of books some of which have been proven unsatisfactory to the schools of the State already.

5. We hereby urge and request our

representatives, Hons. Jno. Kennedy, George Griggs, and Senator Lipscomb to use their influence to defeat this bill.

Read, and referred to Committee on Educational Affairs.

COMMITTEE REPORTS.

The following committee reports were made to the Senate:

Committee Room,
Austin, Texas, February 14, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Public Health, to whom was referred

Senate bill No. 55, being a bill to be entitled "An Act requiring vaccination in counties where smallpox exists,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that the following committee substitute be passed in lieu thereof:

Committee substitute for Senate bill No. 55.

A BILL

TO BE ENTITLED

An Act requiring vaccination in counties where smallpox exists.

Be it enacted by the Legislature of the State of Texas:

Section 1. The commissioners court of any county may, in its discretion, whenever smallpox exists or its dissemination is threatened in such county, by proclamation posted at the court house door and two other public places within such county, order and enforce vaccination of all persons within the county who have been exposed to the smallpox, or who attend public or private schools, or are inmates or attendants in jails, asylums, penitentiaries or other public places where people congregate.

Sec. 2. Whenever the commissioners court shall order vaccination of any person or persons as provided in Section 1, it shall be deemed a misdemeanor for any such person or persons to refuse to be vaccinated, and upon conviction thereof said person or persons shall be punished by a fine not to exceed \$100.

Sec. 3. Whereas, there is already a great number of cases of smallpox within this State, and, whereas, there is now no law requiring vaccination to prevent such disease, an emergency and imperative public necessity exists for the immediate passage of this bill, and for the suspension of the constitutional rule requiring bills to be read on three several days in each branch of the Legislature, and said rule is therefore suspended, and

this act shall be in force and effect from and after its passage.

LLOYD, Chairman.

Committee Room,
Austin, Texas, February 14, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on State Affairs, to whom was referred

Senate bill No. 169, being a bill to be entitled "An Act to amend Article 467, Chapter 4, Title XVIII, Revised Statutes of 1895, with reference to the issuance of bonds by cities and towns, the creation of a fund to pay interest and to provide a sinking fund to redeem said bonds, to provide for the proper investment of the sinking fund, to prescribe the duties of the city treasurer with reference to said funds, and to provide an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

SEBASTIAN, Acting Chairman.

Committee Room,
Austin, Texas, February 14, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on State Affairs, to whom was referred

Senate bill No. 31, being a bill to be entitled "An Act to provide for the organization of a 'ranger force' for the protection of the frontier against marauding and thieving parties, and for the suppression of lawlessness and crime throughout the State; to prescribe the duties and powers of the members of such force and to regulate their compensation,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

SEBASTIAN, Acting Chairman.

Committee Room,
Austin, Texas, February 14, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on State Affairs, to whom was referred

Senate bill No. 155, being a bill to be entitled "An Act to provide for the appointment and qualification of an auditor for each of the counties of Texas, and for his removal therefrom for cause; and prescribing his powers and duties as such; and fixing a penalty for wilfully making false or fraudulent report as such; and providing for the compensa-

tion of such auditor; and providing further, making this act cumulative of all laws of this State on the subject of county finances when not in conflict therewith, and in case of conflict this act to control, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*, with the following amendment:

"Amend the bill by adding at the end of Section 19 the following: 'Provided, the provisions of this act shall only apply to counties in which there is a city of as much as 25,000 population.'"

SEBASTIAN, Acting Chairman.

Committee Room,
Austin, Texas, February 14, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on State Affairs, to whom was referred

Senate bill No. 138, being a bill to be entitled "An Act to amend Article 2957, Chapter 1, Title LV, of the Revised Statutes of the State of Texas, relating to the issuance of marriage license,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do not pass*, but that the attached substitute Senate bill by committee *do pass*.

SEBASTIAN, Acting Chairman.

S. B. No. 138.] [By Committee.

A BILL

TO BE ENTITLED

An Act to amend Article 2957, of Chapter 1, Title LV, of the Revised Statutes of the State of Texas, relating to the issuance of marriage license.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 2957, Chapter 1, Title LV, of the Revised Statutes of the State of Texas, be amended so as to hereafter read as follows:

Article 2957. No clerk shall issue any marriage license without the consent of the parent or guardian of the parties unless the parties so applying shall be, in the case of the male, twenty-one years of age, and in the case of the female, eighteen years of age, and shall in all cases require an oath with each application, stating the ages of the parties desiring to marry, and in case either of the parties present to the clerk an order from the parent or guardian of the parties desiring to marry, authorizing him to issue such license, such party presenting

such order shall also make oath that such order was signed by the said parent or guardian; provided, that the provisions of this act shall not be construed to affect or repeal the penalties prescribed by the Penal Code for the wrongful issuance of marriage licenses.

BILLS AND RESOLUTIONS.

By Senator Beaty:

Senate bill No. 190, A bill to be entitled "An Act declaring the failure of guardians and administrators to make all reports, statements and settlements required of them by law, within thirty days after lawful notice by the judge of the county where such guardianship or administration is pending, a misdemeanor, and prescribing a penalty therefor."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Turney:

Senate bill No. 191, A bill to be entitled "An Act to repeal Article 4930, of Chapter 1, Title CII, of the Revised Statutes of the State of Texas, of 1895."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Harris of Hunt:

Senate bill No. 192, A bill to be entitled "An Act to provide for establishing, constructing and keeping in repair bridges, culverts, sidewalks, gutters, curbing and crossways by cities and towns."

Read first time, and referred to Committee on Towns and City Corporations.

By Senator Lipscomb:

Senate bill No. 193, A bill to be entitled "An Act to define the duties, rights and liabilities of abstracters of titles to real estate in this State."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Harris of Bexar:

Senate bill No. 194, A bill to be entitled "An Act to establish the State Board of Embalming; defining the duties thereof; to provide for the better protection of health and life; to prevent the spread of contagious diseases; to regulate the practice of embalming, care and disposition of the dead; to provide penalty for the violation thereof, and declaring an emergency."

Read first time, and referred to Committee on Public Health.

By Senator Harris of Bexar:

Senate bill No. 195, A bill to be entitled "An Act to foster industrial training in the public schools of Texas, and to appropriate the sum of \$20,000 out of the general revenue of the State to provide for the maintenance of said schools, the means and conditions by and under

which State aid shall be extended to such schools."

Read first time, and referred to Committee on Educational Affairs.

By Senators Lipscomb and Paulus:

Senate bill No. 196, A bill to be entitled "An Act to fix the fees of county judges for approving the bonds of liquor dealers."

Read first time, and referred to Committee on Educational Affairs.

By Senator Hanger:

Senate bill No. 197, A bill to be entitled "An Act to provide for the organization of private corporations, traction companies, for the purpose of constructing, acquiring, maintaining and operating electric inter-urban roads between and connecting different cities, towns and villages and into, through and over public streets of different cities, towns and villages, reached by same; and to provide the manner and method of organizing said corporations; to prescribe the rights, powers, privileges and duties of said corporations; to authorize said corporations to construct, acquire, operate and maintain such electric roads, own, use and occupy lands, easements, buildings and structures; to empower such corporations to condemn lands and other property for the use and purposes of such corporations, and to provide the method thereof."

Read first time, and referred to Committee on Internal Improvements.

By Senator Patterson:

Senate bill No. 198, A bill to be entitled "An Act to apportion the State of Texas into congressional districts; to fix the boundaries of said districts, and to repeal all laws or parts of laws in conflict with this act."

Read first time, and referred to Committee on Apportionment.

Senator Potter offered the following Senate concurrent resolution:

Senate Concurrent Resolution No. 8:

Whereas, From the number of bills introduced each day of the session it has become apparent that the longer the Legislature remains in session the further it will be from disposing of all matters before it; and,

Whereas, The conditions of the country is good, and but little legislation is demanded by the people; therefore, be it

Resolved by the Senate, the House concurring, That the Regular Session of the Twenty-seventh Legislature adjourn sine die on March 16, 1901.

Resolution was read, and at request of Senator Potter, was laid on the table subject to call.

Senator Paulus offered the following resolution:

Whereas, The cutting of doors or other openings through the partition walls of the capitol building would have a tendency to weaken the building, and possibly render it unsafe. Be it

Resolved, That when any changes are to be made in the office room of said capital building, or any openings to be cut through the walls, that it shall only be done by the Superintendent of Public Buildings and Grounds upon the advice of a competent architect.

Read, and referred to the Committee on Public Buildings and Grounds.

The Chair here declared the morning call concluded.

HOUSE CONCURRENT RESOLUTION NO. 12—SIGNED.

The Chair gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read,

House Concurrent Resolution No. 12, Granting further powers to the Special Legislative Committee appointed to visit the Texas storm stricken district.

REPORT OF RAILROAD COMMISSION.

Before proceeding with the special order of business, Senate bill No. 74 (double-header), the Chair laid before the Senate the following report from the Railroad Commission, in reply to a resolution offered by Senator Potter (see Journal February 6, page 184):

Austin, Texas, February 13, 1901.

To the Honorable, the Senate of Texas.

GENTLEMEN:—In response to the requests contained in the resolutions adopted by your Honorable Body on the 6th inst., calling on the Railroad Commission for information concerning the railroads in Texas, we have the honor to submit the following answers, to-wit:

"A."

This Commission does not possess such information as would enable it to make an accurate answer as to the amount of fictitious and watered stock and bonds there may be outstanding on the railroads of this State, because it has not been able to obtain from the railroad companies the information as to the actual cost of construction and equipment of the railroads built before the addition to our Statutes of what is known as the "Stock and Bond Law," Articles 4584a to 4584m of Revised Statutes of 1895.

On October 14, 1891, this Commission, in compliance with its duties under Sec-

tion 11 of the Act to establish a Railroad Commission for the State of Texas, etc., approved April 3, 1891, prepared sets of interrogatories concerning the actual cost of building and equipping the railroads in Texas, and all of the other matters mentioned in said Section 11, and on the 26th and 27th of October, 1891, transmitted one or more copies of said sets of interrogatories to each railroad company and receiver within our jurisdiction with our order that the information therein called for be furnished to us within the time specified by law, and duly attested by the respective chief officers, and officers in charge of the accounts.

Notwithstanding this information was sought from the highest executive and accounting officers of the properties, vague, evasive and unsatisfactory answers were made in many, if not in most instances. On September 23, 1892, we made a report to the Attorney General of the State, in which was embodied in full the questions asked and the answers thereto made, and a duplicate of said report was also filed with the State Comptroller. The report referred to was also published as Exhibit E to our first annual report to the Governor of the State, a copy of which we transmit you herewith, and to pages 163 to 240 inclusive, of which the special attention of the Senate is invited.

While, for the foregoing reasons, we cannot make definite answers as to the amount of fictitious and watered stock and bonds on the railroads of this State, it is proper for us to state that we know in a general way, as a historical fact, that the construction of the railroads of Texas, built before the passage of the Stock and Bond law, cost much more than such construction would now cost. Labor and material, the cost of grading and of cross ties, the cost of rails and fixtures, of engines and cars of all kinds, during the time of construction of those roads were much higher than now, and in many cases cost two or three times as much, and unless we could know the difference in their cost then and now, or when the bonds were issued, and the difference between their cost and the value of their property then, we would not be able to say what part of their stock and bonds were fictitious or watered.

It is also a historical fact that from ten to thirty years ago, if not quite up to the time of the passage of the "Bond and Stock law" in 1893, it was not an uncommon practice when it was intended to build a railroad in Texas, for a construction company to be organized at that time (composed we believe in most

instances of directors and officers of the railroad company, directly or indirectly) with which construction company the railroad company contracted for the building of the road, agreeing to pay per mile for each mile built an amount in bonds and an amount in stock, the sum of the two aggregating a much larger amount, (averaging about double) than the cost in cash to the construction company.

We have in our office a copy of one such contract or agreement. It was made on the 31st day of December, 1888, between the International Equipment Company, a New Jersey corporation, and the Fort Worth & Rio Grande Railway Company, of this State, which at that time had a line of railway extending from Fort Worth to Granbury, a distance of about 40 miles, on which had been issued "in payment therefor" \$15,000.00 in bonds and \$11,250.00 in stock per mile. The contract provides that the construction company shall build from Granbury to Kerrville, and about 1½ miles in the vicinity of Fort Worth, and provides for \$1,000.00 worth of equipment for each mile of road, including the 40 miles already built, and for the adjustment of a few unsettled right of way matters. It also provides that the construction company shall deliver to the railroad company, for cancellation, the \$15,000 in bonds and \$11,250 in stock issued per mile of road on the road already built from Fort Worth to Granbury, and to receive from the railroad company new bonds to the amount of \$20,000 per mile, and new stock to the amount of \$19,000 per mile, on the road already built and on the new road from Granbury towards Kerrville. Leaving out of consideration the question whether or not there was any "water" in the first issue of stock and bonds on the forty miles from Fort Worth to Granbury, it appears to us that in the issue to the International Equipment Company, on said forty miles, excessive issue to the amount of per mile \$5,000 in bonds and \$7,750 in stock was introduced, less \$1,000 worth of equipment per mile, and the cost of right of way over four tracts of land, the amount of which we are not at present advised.

The records of this office show that the road was built from Granbury to Brownwood reaching the latter place in the year which ended June 30, 1892, at which date the company reported to us 146.165 miles built, in all, which has not been added to since. The capital stock now, and since June 30, 1894, amounts to \$3,108,100 or more than \$21,264 per mile, and the bonds to \$2,923,000 or

about \$20,000 per mile, making a total of about \$41,264 per mile. The property of this company was valued by us in 1895, less than four years after it was built to Brownwood, we being assisted in said valuation by competent civil engineers experienced in railroad building, and the valuation being made on the basis of cost to reproduce the property. The result of that valuation was an average of \$14,003 per mile, including equipment and in fact everything pertaining to the property, and said valuation was not contested by the railroad company, although more than fifty days were allowed them for that purpose. Therefore it may be fairly inferred that, on that road, the construction company was paid in stock and bonds much in excess of the cost to them in cash. Besides about \$2,264 per mile in stock has been issued in addition, the purpose of which has not been traced by us.

In 1878, at the suit of second mortgage bondholders, the International & Great Northern Railroad was placed in the hands of a receiver, and it was allowed to be sold in 1879, to a purchasing committee appointed for that purpose by the stock and bond holders of the company, who reconveyed it to the company for the consideration of \$5,624,000 in first mortgage bonds and \$4,724,000 in second mortgage bonds, the greater portion of which was exchanged to the holders of the old bonds of the two companies whose consolidation formed the International & Great Northern Railroad Company, the holders of the old Houston & Great Northern bonds receiving \$1,278.95 for each \$1,000 bond, and the holders of the old International bonds receiving \$1,294 for each \$1,000 bond. In this transaction there appears to have been \$2,098,847.80 added to the funded debt of the company, for which we understand no increase whatever was made to the physical value of the property. Notwithstanding the sale of the road under foreclosure, new stock at par was issued in exchange for old stock. At the time of the foregoing transactions, the Southwestern terminus of the I. & G. N. R. R. was at Austin. It was afterwards extended to Laredo, a distance of about 233 miles, and for each of those miles \$20,000 in stock, \$10,000 in first mortgage bonds and \$10,000 in second mortgage bonds were issued, a total of \$40,000 per mile. This Commission, in 1895, found the average value of this road to be \$18,080 per mile, including the permanent improvements which had been made since the road first reached Laredo, so that it is a fair conclusion that at least the \$20,000 of stock

per mile from Austin to Laredo represented nothing whatever of value put into the road and its equipment, the bonds and the land donation by the State, in our opinion, being sufficient to cover the actual cost, at the time, of construction and equipment.

We have not felt called upon, by your resolutions, to make statements with reference to land donations by the State to railroad companies, which donations should, in part at least, have been utilized in defraying the cost of construction and equipment.

The East Line & Red River Railroad in 1881 extended from Jefferson to Greenville, 124 miles, and its capital stock at that time was \$615,000 and its funded debt \$861,000, together making an average of about \$11,903 per mile. This road was under a receivership when this Commission was organized, during the pendency of which it was changed from narrow gauge to standard gauge, at not exceeding 50% additional to original cost. Shortly after emerging from the receivership, in 1893, the road then extending from Jefferson to McKinney, 155 miles, the new purchasers, the Sherman, Shreveport & Southern Railway Company, issued \$1,551,800 in capital stock and \$3,100,000 in bonds on the then existing road, a total of about \$30,000 per mile. This Commission found, in 1895, its value to average \$10,724 per mile. There can be no question that the stock and bonds of this company are largely excessive. In addition to amounts of stock and bonds issued on the 155 miles, this company, between the date of the passage of the "Bond and Stock Law" and the date that same became effective, also signed up \$1,200,000 of stock and \$2,900,000 of bonds to be issued on road to be constructed in the future.

In the case of the San Antonio & Aransas Pass Railway Company, on June 30, 1891, directly after the Commission was organized, it had 630.10 miles of railroad on which there was a bonded indebtedness of \$11,948,000, or \$18,962 per mile. The property was then in the hands of receivers, who added 53 miles between Lexington and Lott at a cost of \$366,493.20, or about \$6,915 per mile. On June 30, 1893, the property was back in the hands of the company, who on that date reported to us 687.4 miles of road, on which on January 1, 1893 (a few months prior to the passage of the "Bond and Stock Law"), they had placed in lieu of the prior funded debt, new bonds to the amount of \$17,200,000, or \$25,022 per mile. There was undoubtedly excessive issue by this tran-

saction, and since then \$1,700,000 of bonds have been sold by the company, \$700,000 of which at 75 cents and \$1,000,000 at 80 cents on the dollar, the discount amounting to \$375,000, for which the company received neither cash, labor or materials, nor value of any kind whatever.

For June 30, 1891, a few days after the organization of this Commission, the Gulf, Western Texas & Pacific Railway Company reported 111.20 miles of railroad (which has not been extended since that date), cost of road \$544,225.57, capital stock \$500,000, no funded debt, and net floating or current indebtedness \$155,629.05.

Later in 1891 the company authorized an issue of \$2,224,000 in bonds and issued \$1,453,000 of them prior to June 30, 1892, and added to cost of the road (on their books) \$1,280,775.83. Between June 30, 1892, and June 30, 1893, the balance of \$771,000 in bonds was issued and \$307,110.32 added (on the books) to the cost of the road and equipment. At the present time there are \$24,496 of bonds and stock per mile of this road, at least one-half of which is not represented by any visible property value.

On June 30, 1892, the Texas & New Orleans Railroad Company, probably the wealthiest railroad corporation in the State, with a surplus of income on that date of \$2,918,724.86, and a net income for the year just then closed of \$476,475.24, of which \$24,604.65 was derived from interest, discount and exchange, had a funded debt of \$4,279,000 and apparently no reason for increasing the amount. Yet during the next year it issued \$500,000 of bonds, selling them at a discount of 5 per cent., and admittedly added only \$145,332.44 to the value of the road and equipment. Its net income for the year ending June 30, 1893, was \$523,715.09, of which more than \$35,000 was from interest, discount and exchange, hence it appears that the sale of the bonds was unnecessary even at par. During the year ending June 30, 1894, its net income was \$331,994.37, of which nearly \$97,000 was derived from interest, discount and exchange, yet it issued a new set of bonds and sold \$1,620,000 of them at 80 cents on the dollar, the discount being \$324,000. They report for that year items amounting to \$277,667.72 added to their road and equipment. Their net income for the year was more than sufficient to pay for such additions, and the sale of the bonds at all, appears to have been entirely unnecessary, except to absorb the income of the company in the future. The report of this company for June 30, 1900, shows

an accumulated surplus of \$4,841,031.10, and its current assets included, among other items, cash \$145,684.83, bills receivable \$335,121.47, and due from solvent companies and individuals \$3,282,005.75. Its net income for the year after paying everything was \$539,866.47, nearly \$77,000 of which was from interest, etc. It appears to us, in view of the financial strength of this company, that there existed no necessity whatever for their selling bonds at a discount, and that there was at least an excessive issue of \$349,000 of bonds introduced into its indebtedness by the sales which we have mentioned.

In March, 1892, the Weatherford, Mineral Wells & Northwestern Railway Company had already been built between its present termini, 23 miles, and its books then showed total cost of construction and equipment a little over \$500,000 and no amount of capital stock then appeared on their books of accounts.

In its report to us for the year ending June 30, 1892, capital stock to the amount of \$500,000 is reported to have been issued for "franchises, surveys and right of way," and the cost of the road is reported at \$1,018,021.55, two items of which are as follows: "Road built by contract, including equipment, \$500,000" and "other items" \$500,000. The first of these items was paid in bonds to that amount, the other is entered to cost of road, to offset the issue of capital stock ostensibly to cover franchises, surveys and right of way. It can be shown that at least \$11,254.31 of the right of way was otherwise paid for, and that the engineering expenses were included elsewhere, and it is believed by us that this company did not receive one cent of cash, labor or materials for the \$500,000 of stock issued by it, and that the amount of \$500,000 in bonds issued by it was in face value much greater than the actual cost of building and equipping the road.

The foregoing instances do not exhaust the list of railroad companies in Texas which have excessive stock and bonds outstanding, but as no examination by us has been made of the affairs of any company for the purpose of instituting suits to have such stocks and bonds declared void, we prefer to omit at present the mention of others until specific information has been obtained by careful research into their earlier records. For this reason some of the most important roads in Texas are not mentioned herein. Such information as we have given has been obtained during the course of examinations made for other purposes. It is barely possible that as to a few items, the managements of the companies may

be able to present satisfactory explanations, though we believe that the items which we have omitted to mention will much more than offset those which may be so explained.

It is proper to add that the values as determined by this Commission, mentioned herein, were based upon the prices prevailing at the times the valuations were made, liberal sums being allowed for right of way, depot grounds, etc., which in many cases were donations, and for charter and attorney's fees, and for interest during the period of construction of sections of the road up to the time they began to be operated.

The amount of water, if any, existing in the greater part of the funded debt of the Missouri, Kansas & Texas Railroad Company, of Texas, cannot be well ascertained by us, for the reason that the special act of the Legislature of Texas, approved April 16, 1891, required that company to assume its mileage pro-rata of all the obligations and liabilities of the Missouri, Kansas & Texas Railway Company (the Kansas corporation) and the books of the latter, by which we might be able to trace the origin and successive changes in such funded debt are beyond our jurisdiction.

"B."

In answer to question "B", we have to say that we herewith make a statement as to the amount of stock and bonds on a number of railroads in Texas, and refer to our last official (the ninth annual) report for statements as to the amount of stock and bonds issued on many other of the railroads of this State (see pages 168, 169 and 195) and leave it to the Legislature to determine the question as to what portion of them are fictitious. The existence of stock and bonds issued by the railroad companies above the value of their property is not taken into consideration by this Commission in the fixing of freight rates, nor does our valuation of the property of the several railroads control the freight rates adopted by us.

In making freight rates we are largely influenced by the value, weight and bulk of the merchandise, the risk of damage, and what rates will move the commodity to be carried; and by comparisons from day to day of the rates on different articles shipped within, into and from this State; and we hold constantly in mind the necessity of so making rates as to protect the people against unreasonable exactions, and to secure to the railroads a just remuneration for the services rendered by them.

We are obliged to be guided by such

considerations, because there is not and cannot be any fixed rules or scientific method of making freight rates.

"C."

Capital stocks of railroad companies are considered by us among the "liabilities" of such companies. Indebtedness is hardly the proper term, though when a corporation goes into liquidation and all other affairs have been settled, it may then be said to be indebted to each stockholder in proportion that the amount of his or her stock bears to the total amount of the stock outstanding. In considering capital stock as a "liability", we are in line with the practice of banking institutions, insurance companies, and in fact the whole business world; also, with the spirit and letter of the "Bond and Stock Law," which provides that capital stock shall be taken into consideration by us in determining the amount of bonds which may be issued by a railroad company constructed under its provisions.

"D."

Since the organization of this Commission it has been constantly and busily engaged in carrying out the duties enjoined upon it by law, making freight rates, collecting and reporting evidence concerning rebates, discriminations, extortions and abuses, as will fully appear from an inspection of the nine annual reports issued by the Commission. There have been brief intervals, if any, that the Attorney General's office has been clear of consideration, either of suits requested by us to be brought or suits of injunction against us. At times that office has had on hand for consideration so many rebate and discrimination cases, referred there by us, as to tax it to the utmost and leave little or no time for the other duties pertaining to it. At the present time there are several matters pending. Though no suits for cancellation of excessive issues of stocks and bonds have been by us requested to be brought, still it is within our knowledge that some of the facts stated in answer "A" of this communication have also been known to the Attorney General's office.

Referring to chapter 13, title 94 of the Revised Statutes (1895) of Texas, that being a reproduction of the law providing for the creation of this Commission and defining its duties, attention is respectfully directed to Articles 4570 and 4571 of said chapter (sections 11 and 12 of the original act) specifying the duties enjoined upon the Commission respecting

the gathering of information concerning the issuance of stocks and bonds by railroad companies. The terms of that law have been complied with in all respects as will appear from inspection of the first annual report of this Commission, copy of which is furnished herewith, as above stated. This Commission has not been directed by law to take action respecting the institution of litigation to have canceled excessive issues of stocks and bonds.

Whether or not such incumbrances are invalid and subject to cancellation involves legal problems that should, it would seem, properly belong to the law department of the government for consideration and action.

In the case of the forfeiture of the charters of private corporations, Article Four, Section 22 of the State Constitution, among other things provides that the Attorney General "shall represent the State in all suits and pleas in the Supreme Court of the State, in which this State may be a party, and shall especially enquire into the charter rights of all private corporations, and from time to time, in the name of the State, take such action in the courts as may be proper and necessary to prevent any private corporation from exercising any power * * * not authorized by law. He shall, whenever sufficient cause exists, seek a judicial forfeiture of such charters, unless otherwise expressly provided by law, and give legal advice in writing to the Governor and other executive officers when requested by them."

So that it seems that the framers of the State Constitution have pointed out the method of proceeding in cases where such forfeiture should be made.

Article 1098, paragraph 1, of the Revised Statutes provides that the District Courts of the State shall have defined jurisdiction "of all suits in behalf of the State to recover penalties and escheats."

And Article 1194, paragraph 21, of the Revised Statutes, provides that "suits in behalf of the State for the forfeiture of the charters of private corporations, chartered by the act of the Legislature, shall be commenced in the District Court of the county in which the seat of the government may be."

So it is seen that the Constitution and laws direct the officer and provides the tribunal and jurisdiction where such forfeitures may be sought, and these provisions certainly leave nothing for this Commission to do to that end. In such a case the intervention of a jury and its verdict on the facts are essential.

Assuming that it is competent for the

State to procure the cancellation of such excessive issues of stocks and bonds, the results to follow, such as placing the railroads of the State in the hands of receivers, expensive and tedious litigation, etc., involve questions of public policy that we believe ought to be determined by the Honorable Legislature.

2nd: We cannot, at present at least, answer the question as to "how many States in the Union have laws prohibiting free passes" for the reason that we have not a file of the constitutions and statutes of the various States, and on inquiry at the Supreme Court library, we find that it contains the statutes of only a few States. We have in our own library annual or biennial reports of the Railroad Commissioners of nearly all of those States which have Railroad Commissions, and these reports frequently contain entire statutes and extracts from statutes and constitutions relating to their duties, and sometimes those relating generally to common carriers. These have been carefully examined with the result that the most stringent provisions against free passes found by us are in the Constitution of Kentucky. Section 19, of the Constitution of that State provides that "No railroad, steamboat or other common carrier, under heavy penalty to be fixed by the General Assembly shall give a free pass or passes, or shall at reduced rates not common to the public, sell tickets for transportation to any state, district, city, town or county officer, or any member of the General Assembly or judge; and any State, district, city, town or county officer, or member of the General Assembly, or judge, who shall accept or use a free pass or passes, or who shall receive or use tickets or transportation at reduced rates not common to the public, shall forfeit his office. It shall be the duty of the General Assembly to enact laws to enforce the provisions of this section." We have been verbally informed that New York, Wisconsin, North Carolina, Florida and Louisiana have stringent provisions against the issuance of free passes, but an examination of the New York constitution and statutes revised to 1899 fails to verify the statement, and so far as Louisiana is concerned we have seen several passes good for the current year in that State.

Section 4292, of the annotated code of Mississippi Statutes, 1892, makes it unlawful for any railroad to grant passes or tickets, etc., free or at reduced rates, not applicable to all persons alike, but contains numerous exceptions, which, however, must be reported annually to

the Railroad Commission, showing to whom, and for what reason granted, under penalty prescribed in section 4293.

From the reports of Railroad Commissioners we ascertain the fact that in nearly every State in which there is a Railroad Commission, the Commissioners and their employes are vested with the right, under the law, to free transportation by common carriers, when on official business. This is the case even in Connecticut, where it is unlawful for a railroad company to issue free transportation to a member or member-elect of the General Assembly.

From such information as we have been able to gather, we conclude that few, if any, of the States have laws generally prohibitive of free passes, and we have no information whatever as to the effect that the existing restrictions have had on freight and passenger rates, notwithstanding the reports of the State Railroad Commissions have been scrutinized by us in search of light on that subject.

"E."

We cannot give an exact answer to that part of this question which refers to officers and employes of roads "outside of this State." The percentage of passes issued to officers and employes of companies other than the issuing company, including those in Texas as well as those "outside the State" was about 20½ per cent for the year ending June 30, 1900. We estimate that at least half of these were issued to officers and employes of companies outside the State, a considerable number of which are never used. Of the free passes issued in Texas during the year ending June 30, 1900, about 68 per cent were issued to the employes of the several roads for which reports were made, including members of the families of employes.

"F."

For the same year the proportion of passes issued to all persons, other than officers, agents and employes of railroads (including members of their families), express and telegraph companies, was about 11½ per cent. This percentage includes editors, public officials, destitute persons, etc. See table No. 25, pages 198 and 199, of our ninth annual report.

The use of free passes in this State, exclusive of those issued to persons connected with railroad, express and telegraph companies, does not, in our opinion, appreciably affect freight rates in this State. The average amount of a

passenger fare in Texas for the ending June 30, 1900, was \$1.17½. (See page 179, our ninth annual report.) Say that the travel on each pass would average in distance five times that traveled by a paying passenger. This would make \$5.87½ worth of travel per pass, on an average. There were 26,017 passes issued to the classes of persons in question during the year mentioned. Multiplying these two amounts the result is \$152,849.88, or less than one-half of one per cent of the freight earnings (\$34,639,458.96) for the year. It would, however, amount to more than 1½ per cent of the passenger revenues. We do not think that the assumption that one pass equals five tickets is an underestimate, for the reason that of the 26,017 passes, 18,285 of them were trip passes, equal (on an average) to not more than two fares in any case, and probably as often to only one. As to the 5,888 annuals issued to "the people of Texas" exclusive of railroad officers, employes, etc., it is within our knowledge that some of them, at least, are never used at all. Information in our office indicates that during the year ending June 30, 1900, there were 205,842 passes issued to officers, agents and employes of railroad, express and telegraph companies (including members of the families of persons in railroad service). This seems, at first glance, to be an extraordinary number, but there are 37,348 persons in railroad service in Texas (see page XIX, our ninth, annual report). If each of them represents a family of only three persons on an average, it will be seen that less than two passes annually were issued to each person in that service and member of his family.

In this connection we refer to our recommendations concerning legislation on the subject of free passes, which appears on page X of our ninth annual report.

Very respectfully,
JOHN H. REAGAN,
Chairman.

READING OF REPORT DISPENSED WITH.

During the progress of the reading of the foregoing report,

Senator Wilson moved to dispense with the same, and that the report be printed in the Journal.

Senator Potter amended that the report be referred to the Committee on Internal Improvements after it had been printed in the Journal, which amendment was accepted by Senator Wilson, and the motion as amended prevailed.

EXTRA JOURNALS ORDERED.

Senator Potter offered the following resolution:

Be it resolved by the Senate, That 300 extra copies of today's Record, containing the report of the Railroad Commission, be ordered from the printer, and that the same be held by the Sergeant-at-Arms for use of the Senators.

Resolution was read second time, and adopted.

SENATE BILL NO. 118—SIGNED.

The Chair then gave notice of signing; and did sign, in the presence of the Senate, after its caption had been read,

Senate bill No. 118, "An Act to authorize the sale and release of all the interest which the State of Texas or the Confederate Home, situated in the city of Austin, or either of them, acquired under the last will of J. E. Allen, deceased, late of Hunt county, Texas, to certain lands situated in said county of Texas."

SENATE BILL NO. 11—VETOED BY GOVERNOR.

A messenger from the Governor being announced, delivered the following executive message, which the Chair laid before the Senate:

To the Senate:

Senate bill No. 11, and entitled "An Act to provide for the organization of private corporations, traction companies, for the purpose of constructing, acquiring, maintaining and operating electric inter-urban roads between and connecting different cities, towns and villages, and into, through and over public streets of the different cities, towns and villages reached by same, and to furnish light and power to consumers; to provide the manner and method of organizing said corporations; to authorize said corporations to construct, acquire, operate and maintain such electric roads, own, use and occupy lands, easements, buildings and structures; to empower such corporations to condemn lands and other property for the use and purposes of such corporations, and to provide the method therefor; to issue stocks and bonds, and to borrow money and to mortgage its franchise and property," is herewith returned without my approval.

The purpose of the bill appears to be two-fold—one to provide for the construction of electric inter-urban roads between cities, towns and villages: the other to furnish light and power to consumers generally.

It is submitted that these subjects are

substantially distinct—so much so as to be in direct contravention of Section 35, Article 3, of the Constitution.

Again, by the terms of the bill all corporations organized thereunder are made subject to the provisions of Chapter 14, Title XCIV, of the Revised Statutes, known as the stock and bond law. In Article 4584b of this chapter it is provided that in case of emergency, or conclusive proof shown by a railway company to the Railroad Commission that the public interests or the preservation of its property demand it, the Commission may permit bonds, together with the stock in the aggregate, to be executed to an amount not more than fifty per cent. over the value of such property.

It will be observed, however, that in the bill—Section 4—under consideration, authority is granted the Commission to allow the issuance of stock and bonds to the extent of not more than fifty per cent. over the actual cost of such road upon a satisfactory showing that such stock and bonds can only be sold at a discount, the overplus of stock and bonds not to exceed the amount required to meet the cost of such road.

Section 6, Article 12, of the Constitution, inhibits the issue of stock or bonds by a corporation except for money paid, labor done, or property actually received, and declares all fictitious increase of stock or indebtedness to be void.

In pursuance of this provision of the Constitution the stock and bond law was enacted, and it has since then been the settled policy of the State to limit the amount of all stock and bonds of a railway company to a reasonable value of its property, with the privilege of a further issuance under the contingency stated. Upon reflection it must be evident that the bill under consideration not only conflicts with the clause in the Constitution above quoted, but it is also a radical departure from the rule established by the stock and bond law—in that the market price of the stock and bonds and not the value of the property is made the measure of issuance.

Should this be allowed the inducement to depress the selling price of the stock and bonds, especially if the ownership be the same, will be great, indeed, and it cannot be doubted that the tempting opportunity would be turned to profitable account by those interested.

The fifth section of the bill presents another most serious objection—in that it authorizes the purchase of street railways, together with all their property, real, personal or mixed, and including

franchises and privileges; but it does not provide for the cancellation of the outstanding bonds, if any, of such railways when purchased so as to make their bonded indebtedness correspond to their reasonable value. In this day of large and easy capitalization it would be a small matter, if the bill should become a law, for a single corporation to acquire the ownership and control of the railways of several cities, and to supply them with light and power also. This being done, such cities would be almost helpless before so strong and influential a corporation. If that of water were added to the privileges granted, its power would be complete.

In the most propitious circumstances a correct administration of the affairs of a large and growing city is a difficult task, indeed, and experience has demonstrated the necessity for the exercise of the greatest possible care in building up influences that might become dominating.

It is safe to say that there are hardly two cities in the State, if connected by an inter-urban railway, owning the street railways in them both and with authority to supply light and power, whose administration would not in time and to a great extent, if not altogether, be controlled by the owners of such properties.

Finally, it is worthy of note that the bill does not reserve to the Legislature the power to alter, reform or amend charters granted under it. In this it is different from the general incorporation law, and it is submitted, as a question worthy of consideration, if corporations thus organized would not be protected against future legislation except in so far as it may be authorized by the Constitution or by the terms of the act itself.

There is undoubtedly a necessity for legislation authorizing incorporation for the construction and operation of inter-urban railways and conferring all powers necessary and proper for the purpose, but it is also certain that such restrictions as to the issuance of stock and bonds should be imposed as are upon the line of policy that has been maintained since the enactment of the stock and bond law.

JOSEPH D. SAYERS,
Governor.

SENATE BILL NO. 149—RECOM-
MITTED.

On motion of Senator Lipscomb,
Senate bill No. 149, A bill to be entitled
"An Act to amend Section 1, of Article

993, Chapter 12, Title XXVII, of the Revised Civil Statutes of the State of Texas, changing the place of holding the Court of Civil Appeals for the First Supreme Judicial District from Galveston, Galveston county, Texas, to Houston, Harris county, Texas,"

Which was on February 7th reported adversely, was recommitted to Judiciary Committee No. 1.

SENATE BILL NO. 144—MADE SPECIAL ORDER.

On motion of Senator Patterson, Senate bill No. 144, A bill to be entitled "An Act to reorganize the Twenty-seventh, Thirty-third and Thirty-fifth Judicial Districts; to name the counties composing the same; to fix the terms of holding courts therein; to provide for the extension and return of process issued out of said courts, and to repeal all laws in conflict therewith,"

Was made a special order for next Wednesday, February 20th, after the morning call.

SENATE BILL NO. 74 (DOUBLE-HEADER)—SPECIAL ORDER.

The Chair then laid before the Senate, on its second reading, the special order of business,

Senate bill No. 74, A bill to be entitled "An Act to prevent the running of more than one working locomotive on one train on any railroad, and providing a penalty and remedy for the violation of the provisions of said act."

The bill was read second time, with favorable majority and unfavorable minority committee reports, the question being on the same.

Reading of the minority unfavorable report by Senator Dibrell was called for by Senator Davidson of Galveston, and the Secretary was ordered to proceed to and did read.

(Senator Stafford in the chair.)

At conclusion of the reading of the report,

Senator Davidson of DeWitt moved that further consideration of the bill be postponed, together with the reports, until next Wednesday, February 20th, and made a special order after the morning call.

Motion to postpone prevailed by the following vote:

Yeas—19.

| | |
|-------------|----------|
| Beaty. | Dibrell. |
| Davidson of | Goss. |
| DeWitt. | James. |
| Davidson of | Lloyd. |
| Galveston. | McGee. |

15—Senate.

| | |
|------------|----------|
| Neal. | Turner. |
| Patterson. | Turney. |
| Paulus. | Wayland. |
| Savage. | Wilson. |
| Sebastian. | Yett. |
| Stafford. | |

Nays—8.

| | |
|------------------|-----------|
| Grinnan. | Lipscomb. |
| Hanger. | Potter. |
| Harris of Bexar. | Staples. |
| Harris of Hunt. | Wheeler. |

Absent—Excused.

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|----------|--------|
| Johnson. | Odell. |
| Mifler. | Swann. |

SENATE BILL NO. 70—CALLED UP FROM TABLE.

Senator Potter called up from the table,

Senate bill No. 70, A bill to be entitled "An Act to validate the titles to certain lands located and patented in Carson, Dallam and Hutchinson counties, since, July 14, 1879."

The Chair laid the bill before the Senate, on its passage to engrossment, having been read second time, the following amendment offered by Senator Savage (see page 176, Journal February 5th) pending:

"Amend by adding after the word 'validated,' in line 5, page 2, the following: 'Provided, that all locations made of lands made by virtue of said land certificates on lands situated in the counties of Hutchinson, Carson and Dallam, previous to the official opinion of the Attorney General rendered August 17, 1880, are hereby declared void and this act shall never be construed to in any way validate said locations, or patents issued thereon.'"

(Lieutenant-Governor Browning in the chair.)

Foregoing amendment was re-read, and lost by the following vote:

Yeas—4.

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| Dibrell. | Lloyd. |
| Grinnan. | Savage. |

Nays—19.

| | |
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| Beaty. | McGee. |
| Davidson of | Neal. |
| DeWitt. | Paulus. |
| Davidson of | Potter. |
| Galveston. | Staples. |
| Goss. | Turner. |
| Hanger. | Turney. |
| Harris of Bexar. | Wheeler. |
| Harris of Hunt. | Wilson. |
| James. | Yett. |
| Lipscomb. | |

Present—Not voting.
 Patterson. Wayland.
 Absent.
 Sebastian. Stafford.
 Absent—Excused.
 Johnson. Odell.
 Miller. Swann.

Senator Savage offered the following amendment:

"Amend by adding after Section 1 of the bill the following: 'Provided, that in all cases where parties who are actual settlers have made application in good faith to purchase said lands for homes, believing these lands were on the market for sale, shall have a preference right over any claims located by virtue of land certificates mentioned in this act.'"

Amendment was read, and

Senator Potter moved to table the same.

Motion to table the amendment prevailed, and

The bill was ordered engrossed by the following vote:

Yeas—22.

| | |
|------------------|------------|
| Beaty. | Neal. |
| Davidson of | Patterson. |
| DeWitt. | Paulus. |
| Davidson of | Potter. |
| Galveston. | Stafford. |
| Goss. | Staples. |
| Hanger. | Turner. |
| Harris of Bexar. | Turney. |
| Harris of Hunt. | Wayland. |
| James. | Wheeler. |
| Lipscomb. | Wilson. |
| McGee. | Yett. |

Nays—3.

| | |
|----------|---------|
| Grinnan. | Savage. |
| Lloyd. | |

Absent.

| | |
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| Dibrell. | Sebastian. |
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Absent—Excused.

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| Johnson. | Odell. |
| Miller. | Swann. |

On motion of Senator Potter, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

| | |
|-------------|------------------|
| Beaty. | Grinnan. |
| Davidson of | Hanger. |
| DeWitt. | Harris of Bexar. |
| Davidson of | Harris of Hunt. |
| Galveston. | James. |
| Dibrell. | Lipscomb. |
| Goss. | McGee. |

| | |
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| Neal. | Turner. |
| Patterson. | Turney. |
| Paulus. | Wayland. |
| Fotter. | Wheeler. |
| Sebastian. | Wilson. |
| Stafford. | Yett. |
| Staples. | |

Nays—2.

| | |
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| Lloyd. | Savage. |
|--------|---------|

Absent—Excused.

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|----------|--------|
| Johnson. | Odell. |
| Miller. | Swann. |

Bill was read third time, and passed by the following vote:

Yeas—22.

| | |
|------------------|------------|
| Beaty. | Neal. |
| Davidson of | Paulus. |
| DeWitt. | Potter. |
| Davidson of | Sebastian. |
| Galveston. | Stafford. |
| Goss. | Staples. |
| Hanger. | Turner. |
| Harris of Bexar. | Turney. |
| Harris of Hunt. | Wayland. |
| James. | Wheeler. |
| Lipscomb. | Wilson. |
| McGee. | Yett. |

Nays—4.

| | |
|----------|---------|
| Dibrell. | Lloyd. |
| Grinnan. | Savage. |

Absent.

Patterson.

Absent—Excused.

| | |
|----------|--------|
| Johnson. | Odell. |
| Miller. | Swann. |

Senator Potter moved to reconsider the vote by which the bill was passed and lay that motion on the table.

Motion to table prevailed.

SENATE BILL NO. 97—ON SECOND READING.

On motion of Senator Davidson of DeWitt, the pending business (Senate bill No. 77) was suspended and the Senate took up out of its order

Senate bill No. 97, A bill to be entitled "An Act to repeal Title LXXXII of the Revised Statutes of the State of Texas, and to pass in lieu thereof this act: To license physicians and surgeons and endeavor to regulate the practice of medicine, and to punish persons violating the provisions thereof in the State of Texas."

The Chair then laid the bill before the Senate, on its second reading, action being on the following committee amendments:

"Amend Article 2 by striking out all

of Article 2 down to and inclusive of the word 'Texas,' in line 5, and insert the following:

"Article 2. The State of Texas shall be divided by the Governor into four medical districts of equal area, and numbered 1, 2, 3, 4, and there shall be established in each of said districts three boards of medical examiners, to be named and styled The Board of Medical Examiners for the State of Texas, The Board of Eclectic Examiners for the State of Texas, and The Homeopathic Medical Examiners of the State of Texas."

"Amend Article 6 by striking out 'Travis county,' in line 33 of the bill, and insert the following:

"Article 6. Any county in the district where his certificate was issued."

"Amend Article 13 by adding to end of said article the following:

"Article 13. Provided, this act shall not apply to nurses employed as such in cases of confinement."

Bill was read second time, and

Senator Davidson of DeWitt offered the following amendment to the committee amendments:

"Amend the committee amendment, in line 15, page 7, after the word 'area,' by adding the following: 'the said four divisions of the State herein provided for be fixed by county lines making the four divisions as nearly equal as possible.'"

Amendment to the amendments was read, and adopted.

Senator Davidson of DeWitt offered the following further amendment to the committee amendments:

"Amend line 25, page 7, by adding after 'confinement' the words 'of women in cases of child birth.'"

Amendment to the amendments was read, and adopted.

DIVISION OF AMENDMENTS CALLED FOR.

Question recurring on adoption of the committee amendments,

Senator Wheeler called for division of the same, and

Senator Goss offered the following further amendment to the committee amendments:

"Amend the first committee amendments by striking out the word 'three,' in line 16, and insert 'four,' and by inserting after the word 'Texas,' in line 18, the words 'the Board of Physical Examiners of the State of Texas.'"

(Senator Potter in the chair.)

Upon motion of Senator Davidson of DeWitt further consideration of the bill

was postponed until Tuesday morning, after the morning call, and then to be the special order.

ADJOURNMENT.

Senator James moved that the Senate adjourn until 10 o'clock a. m. Tuesday.

Motion to adjourn was lost.

Senator Davidson of DeWitt moved to adjourn until 2 p. m.

Motion to adjourn until Tuesday was lost by the following vote:

Yeas—12.

| | |
|------------------|------------|
| Davidson of | Potter. |
| DeWitt. | Savage. |
| Dibrell. | Sebastian. |
| Goss. | Wheeler. |
| Harris of Bexar. | Wilson. |
| Lloyd. | Yett. |
| Paulus. | |

Nays—13.

| | |
|-----------------|------------|
| Beaty. | Lipscomb. |
| Davidson of | Patterson. |
| Galveston. | Stafford. |
| Grinnan. | Staples. |
| Hanger. | Turner. |
| Harris of Hunt. | Turney. |
| James. | Wayland. |

Absent.

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| Neal. | McGee. |
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Absent—Excused.

| | |
|----------|--------|
| Johnson. | Odell. |
| Miller. | Swann. |

Senator Davidson of Galveston moved that the Senate adjourn until Tuesday 9:55 o'clock a. m., and

Senator Sebastian amended to adjourn until 10 a. m. Monday.

Action being on the longest time first, the motion of Senator Davidson of Galveston prevailed, and accordingly the Senate, at 1 o'clock p. m., adjourned by the following vote:

Yeas—13.

| | |
|------------------|-----------------|
| Beaty. | Harris of Hunt. |
| Davidson of | James. |
| DeWitt. | Lipscomb. |
| Davidson of | Lloyd. |
| Galveston. | Staples. |
| Goss. | Turner. |
| Hanger. | Wayland. |
| Harris of Bexar. | |

Nays—12.

| | |
|------------|------------|
| Dibrell. | Sebastian. |
| Grinnan. | Stafford. |
| Patterson. | Turney. |
| Paulus. | Wheeler. |
| Potter. | Wilson. |
| Savage. | Yett. |

| | |
|----------|-----------------|
| | Absent. |
| McGee. | Neal. |
| | Absent—Excused. |
| Johnson. | Odell. |
| Miller. | Swann. |

TWENTY-SIXTH DAY.

Senate Chamber,
Austin, Tex., Tuesday, Feb. 19, 1901.

Senate met pursuant to adjournment.
Lieutenant-Governor Browning in the chair.

Roll called. No quorum present, the following Senators answering to their names:

| | |
|------------------|-------------|
| | Present—18. |
| Beaty. | Patterson. |
| Davidson of | Paulus. |
| DeWitt. | Potter. |
| Goss. | Savage. |
| Grinnan. | Sebastian. |
| Harris of Bexar. | Staples. |
| Harris of Hunt. | Wayland. |
| Johnson. | Wilson. |
| Lipscomb. | Yett. |
| Neal. | |

| | |
|-------------|------------|
| | Absent—10. |
| Davidson of | McGee. |
| Galveston. | Stafford. |
| Dibrell. | Turner. |
| Hanger. | Turney. |
| James. | Wheeler. |
| Lloyd. | |

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|---------|-----------------|
| | Absent—Excused. |
| Miller. | Swann. |
| Odell. | |

Senator Grinnan moved a call of the Senate for the purpose of securing a quorum, which call being duly seconded, the doors were closed and the roll called, the following Senators answering to their names:

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| | Present—19. |
| Beaty. | Patterson. |
| Davidson of | Paulus. |
| DeWitt. | Potter. |
| Goss. | Savage. |
| Grinnan. | Sebastian. |
| Harris of Bexar. | Staples. |
| Harris of Hunt. | Turner. |
| Johnson. | Wayland. |
| Lipscomb. | Wilson. |
| Neal. | Yett. |

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|-------------|-----------|
| | Absent—9. |
| Davidson of | Lloyd. |
| Galveston. | McGee. |
| Dibrell. | Stafford. |
| Hanger. | Turney. |
| James. | Wheeler. |

| | |
|---------|-----------------|
| | Absent—Excused. |
| Miller. | Swann. |
| Odell. | |

Senator Turney was announced.
Senator Dibrell was announced.
Senator Stafford was announced.
Senator Wheeler was announced, and
A quorum being announced, the doors were reopened, and prayer was offered by the Chaplain, Rev. I. S. Davenport.
Pending the reading of the Journal of last Friday,

On motion of Senator Patterson, the same was dispensed with.

PETITIONS AND MEMORIALS.

Senator Johnson presented a petition from the members of "K" Company, Third Texas Volunteer Guard, of Terrell, Texas; and Senator Savage presented a memorial from citizens of Nocona, Texas; and Senator Staples presented a petition from the citizens of Brenham, asking for a \$25,000 appropriation for the Texas Volunteer Guard.

Read, and referred to Committee on Finance.

The Chair laid before the Senate memorials from the W. C. T. U. and citizens of Rosenberg, Texas; and Senator Wayland presented a memorial from the citizens of Limestone county, asking for an amendment to the local option law regulating shipments of liquor by express to local option districts.

Read, and referred to Committee on State Affairs.

Senator Beaty presented to the Senate, and had read, the following communication:

MEDICAL DEPARTMENT,
TULANE UNIVERSITY OF LOUISIANA.
New Orleans, February 13, 1901.

Hon. J. T. Beaty, Austin.

MY DEAR SIR: As evidence of the great necessity for stringent laws regulating the practice of medicine in Texas, I desire to call your attention to the fact that there is here now the board of examiners for the Tyler district who are issuing certificates to practice medicine in Texas without any regard whatever to qualification. The \$15.00 fee seems to be the only requisite. In fact, they guarantee certificates. One fellow, with whom I'm well acquainted, and who has been here but two and one-half months, told me that they gave him a certificate and never asked him a single question on practice, surgery, obstetrics or diseases of women. They take the name of the applicant and send it back to Texas, and the certificate is issued